

Marcelle Grenier
11 Foote Road
Burlington, CT 06013

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Marcelle Grenier, LPN
Licensed Practical Nurse License No. 018460
Respondent.

CASE PETITION NO. 980629-011-018

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated July 10, 1998 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Marcelle Grenier (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On July 15, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1 pp. 3-4.

The Board issued a Notice of Hearing dated July 15, 1998, scheduling a hearing for August 19, 1998 Dept. Exh. 1 pp. 5.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to respondent.

The hearing took place on August 19, 1998 and September 16, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Tr., August 19, 1998; September 16, 1998.

Respondent orally answered the Statement of Charges. Tr., August 19, 1998, pp. 28-30

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Licensed Practical Nurse License Number 018460 on December 10, 1979. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-A1.
2. Beginning in or about 1997, respondent was employed as a licensed practical nurse at Avon Convalescent Home, Avon, Connecticut. Dept. Exh. 1 pp. 3.
3. In or about 1998, while working as a licensed practical nurse at Avon Convalescent Home, respondent diverted the controlled substance Tylenol #3 for her own personal use in treating back pain. Dept. Exh. 1-B5, 15-16; Rt. Exh. A; Tr., August 19, 1998, p. 29.
4. In or about 1998, while working as a licensed practical nurse at Avon Convalescent Home, respondent falsified controlled substance proof of use sheets. Several times respondent signed out doses of Tylenol #3 for patient R.E. but did not administer the medication as was indicated on the proof of use sheet. Dept. Exh. 1, B-6, B-8, B-16; Tr., August 19, 1998, p. 29)
5. In or about 1998, while working as a licensed practical nurse at Avon Convalescent Home, respondent diverted Roxicet (Percocet) from patient M.R. and administered it to patient E.S., thereby giving patient E.S. a double dose. Patient E.S. did not have a prescription for a double dose of Roxicet. Dept. Exh. 1-B5, 9, 15-16; Rt. Exh. A; Tr., August 19, 1998, p. 11.
6. In or about 1998, while working as a licensed practical nurse at Avon Convalescent Home, respondent falsified controlled substance proof of use sheets. Respondent documented in the proof of use sheets that the Roxicet she diverted to patient E.S., had been administered to patient M.R. Dept. Exh. 1, B-5, 7, 16.

7. Respondent has a history of alcohol and drug abuse which includes the current use of marijuana, on a regular basis, on weekends and her days off. Dept. Exh. 1, B15; Rt. Exh. A, pp. 3; Tr., August 19, 1998, pp. 19-20.
8. Respondent is not currently engaged in a substance abuse treatment program but has begun participating in a research project for Marijuana Treatment being conducted at the University of Connecticut Health Center, Farmington, Connecticut. Rt. Exh. B.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Marcelle Grenier held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing, Statement of Charges and the Summary Suspension Order provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The FIRST COUNT PARAGRAPH 2 of the statement of charges alleges that while working as a licensed practical nurse at Avon Convalescent Home, Avon, Connecticut, respondent;

- a. diverted Tylenol #3 for her own use;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more controlled substance receipt records.

Respondent admits Paragraphs 2a and 2c but denies Paragraph 2b. Tr., August 19, 1998, p. 29.

The FIRST COUNT further alleges that in 1998, respondent abused and/or excessively used the controlled substance and that respondent's abuse of Tylenol #3 does and/or may affect her practice as a licensed practical nurse.

Respondent admits abusing Tylenol #3, but not to excess, and denies that her abuse of Tylenol #3 affects her practice as a licensed practical nurse. Tr., August 19, 1998, p. 30.

The Board found that while working as a licensed practical nurse at Avon Convalescent Home, respondent diverted Tylenol #3 for her own personal use. Respondent diverted the Tylenol #3 by falsifying and/or improperly documenting controlled substance proof of use sheets. Respondent's use of the Tylenol #3 she diverted constitutes abuse.

The Board finds that respondent has no insight into her substance abuse problem in that she is not actively engaged in a substance abuse treatment program. The Board therefore concludes that respondent's abuse of Tylenol #3 may affect her practice as a licensed practical nurse.

The SECOND COUNT PARAGRAPH 7 of the Statement of Charges alleges that while working as a licensed practical nurse at Avon Convalescent Home Respondent:

- a. diverted Percocet from one patient and administered it to a different patient who did not have a prescription for such medication;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more controlled substance receipt records.

Respondent admits Paragraphs 7a and 7c but denies Paragraph 7b. Tr., August 19, 1998, p. 30.

The Board found that respondent diverted Percocet from one patient to administer a double dose to another patient and that the second patient did not have an order to receive such a dose. Respondent diverted the Percocet by falsifying and/or improperly documenting controlled substance proof of use sheets.

The General Statutes of Connecticut §20-99 provides in relevant part:

“(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities”

Based on its findings, the Board concludes that respondent's conduct as alleged in the First and the Second Count of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent's licensed practical nurse is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

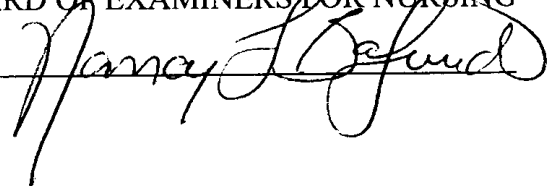
That for the First Count and the Second Count of the Statement of Charges, respondent's licensed practical nurse license, No. 018460, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Marcelle Grenier, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 17th day of March 1999.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy L. DeFuria", written over a horizontal line.